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Virginia Law Register

VOL. XI.]

JULY, 1905.

[No. 3.]

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WILLIAM McLAUGHLIN.

By CHARLES CURRY, Staunton, Va.

William McLaughlin was born January 6, 1828, and was the youngest of ten children, all of whom died in childhood except Margaretta Ayres and himself. His father was Edward Irving McLaughlin, and his mother Betsy, whose maiden name was Nesbit, both of pure Scotch-Irish stock. His grandfather, Edward McLaughlin, was an Indian fighter and served in the Revolutionary army; and his grandmother was herself an Indian fighter,—a hardy Scotch-Irish heroine, fearless, brave and cool-headed, and mentioned in Waddell's Annals of Augusta County as one of the defenders of Fort Dickenson against an Indian assault in 1757.

His mother was born June 1, 1792, and was married to Edward Irving McLaughlin in 1813. Her husband died in January, 1858, and she survived until January, 1869. She was a woman of strong convictions, clear judgment, lucid intellect and tender affections, a fit mate indeed for her husband, and just such a woman as we would suppose to be behind the life of her illustrious son.

Edward Irving McLaughlin was well educated, and for many years was county surveyor of Rockbridge county, and such was his reputation as a surveyor that he was employed to do much work in adjoining counties.

The education and training of young McLaughlin, moral and intellectual, was begun as soon as he could lisp a word. He said not long before his death that he could not remember when he learned to read. His mother entertained him with songs, stories and verses, taught him the commandments, and to memorize many beautiful passages of the Bible and Testament; and the doctrines of the Calvinistic faith,—the faith of his fathers,—were instilled into him from the first. His father taught him the Shorter Catechism and



JUDGE WILLIAM McLAUGHLIN

the Confession of Faith, and at twelve years old he had committed to memory the entire catechism, and could ask and answer every question; and the lives and characters of the great Scotch reformer and presbyter, John Knox, and of Cromwell, the sword of Puritanism, were daily talked of and discussed in the McLaughlin household; and Judge McLaughlin used to say that in childhood he knew their lives almost as well as his own home life. He said that when he was eight years old his father began with him a regular and systematic course of study that was continued until, in his seventeenth year, he went from home to the Brownsburg Classical School, and that in American history he was taught by his father to look upon Washington and Jefferson as if they were some great sphinxes of old, looming up on the American continent, to inspire to higher, better and nobler statehood.

The old surveyor took with him his son William as soon as he was old and strong enough to assist in the work of surveying, and for years he was his father's constant companion in the field of work. He went hither and thither over Rockbridge and the adjoining counties, carrying the chain and assisting his father, over mountains and hills, through the woods and wild places, through valleys and dales and tangled meadows, always busy, always at work, always doing something useful,—trained to this from life's earliest years. As a boy he became thoroughly acquainted with surveying and familiar with mathematics. He learned to know all classes of people,—to know well men and things,—and became master of facts so important to the successful lawyer, to the man of affairs, to the soldier, statesman and judge. His father encouraged and required him to take his books with him everywhere, to read and study in his spare moments by day, or by the flickering candles or torchlights in the mountain cabins and the camp wherever he went on the surveyor's work; and the son always and everywhere was reminded by the father of the commandments and teachings of the Bible and of the faith of the fathers.

An aged citizen of Bath county, Mr. Gowens Bonner, told me a short while ago that in his boyhood he had assisted the old surveyor McLaughlin in making a number of surveys in the county of Bath, and that one day they were looking for lines along a bluff on the east bank of the Cowpasture River, and the boy William was carrying his father's compass; and that while they were scrambling

along the river bluff William slipped and fell twenty feet or more into the river, with compass in hand, and in the fall the boy, at the expense of his bones and a good wetting, was careful to hold on to the compass, and as soon as he landed his father cried out to him, "William, did you break the compass?" The boy became angry and said, "No, but I wish that I had," and the old surveyor reproved him, saying, "My son, remember the fifth commandment."

At sixteen years of age William was a good surveyor. He could trace old lines and discover the marks of boundaries on trees, with almost as skilled eyes as his experienced father. He loved nature; he loved its wilds; he liked to live and work under the open skies. He thought then of being a surveyor like his father; but one day he rode into Lexington behind his father, and for the first time he went into a court room and there saw Judge Thompson presiding,—and on that day, he said, there were distinguished lawyers in court, among them Alex. H. H. Stuart, that impressed him as he had never been impressed and inspired before, and the same day Gen. John E. Echols, then a magnificent specimen of young manhood, first qualified to practice law; and on his return home he said to his mother that he believed he would be a lawyer.

When he was seventeen years old he was sent to the Brownsburg Academy, one of the most noted of the old classical schools of Virginia; and the next year, when he was eighteen, his father sent him to Washington College in Lexington, where he took his degree as bachelor of arts on June 19, 1850. In school he exhibited the highest kind of memory, the memory which associates facts and truths with universal principles. His mind was not merely crammed for examinations, but his knowledge was well digested and ready for the use of the thinking mind.

Shortly after his graduation he entered the law school then conducted by the distinguished jurist, Judge Brokenborough, and on December 12, 1851, was licensed to practice law by Judges John Tayloe Lomax, Lucas P. Thompson and Richard F. Field; but he did not then begin the practice of his profession, but diligently pursued his studies until 1853, when he opened an office and began practice in the town of Lexington, Virginia, the town he loved so well, and his home to the end. At that time he had read over and over Blackstone's Commentaries, Lomax's Digest, Story's Equity Jurisprudence, Chitty's Pleading, Robinson's old Practice, and

Greenleaf's Evidence,—had analyzed and made copious notes on them, and had carefully read every statute in the code of 1849; and with the history and development of the law he was very familiar, and few if any of his day were better qualified than he to begin the practice of his profession.

His knowledge of men and things, of surveys and land titles, and his proficiency in books gave him a great advantage. His father was known by almost every one in Rockbridge county, and the acquaintance of the son was wide; he never forgot a face and a name; once known they were never forgotten. The influence of his father, with his own wide acquaintance, his interest in public affairs, his industry, learning and skill as a lawyer and high character as a man soon brought him a good practice and into prominence. In practice he mastered his cases, great points and small points, in every detail—"everything from writ to judgment, from bill to final decree"; no fact nor incident was ever too small to deserve his attention. He knew how to introduce his evidence in the order most likely to have effect on the minds of the jury, and upon cross-examination was an adept in knowing what not to ask. He was not brilliant in speech, but expressed himself clearly and to the point. He never let theories divert his mind from the full consideration and mastery of the facts of his case, never forgetting that facts are the foundation and the structure of every case, and that the lawyer is concerned as to whether the structure when completed conforms to certain rules of the law. The fact must be first known before one can tell what law applies. I once heard him say, "A man may be very learned in book law and yet be a very poor lawyer,—an utter failure in the practice of his profession,—if he has not learned to know facts and how to marshal them for use, for battle and victory. I have never known a lawyer," said he, "well versed in the principles of the law, who knew facts and how to marshal and use them, to tear down or to build up, who was not esteemed by everyone who knew him as a power in his profession and dreaded as an antagonist."

As a lawyer he was learned, laborious and conscientious, with a strong understanding and vigorous intellect, and he had the capacity for "taking infinite pains." He loved his profession. He was master of the knowledge of men and things, and was familiar with every branch of the law and deeply versed both in its letter and spirit.

Devoted as he was to the law, yet from the first he was deeply interested in public affairs. He was a delegate to the State Democratic Convention in Staunton in 1855, that nominated Henry A. Wise for governor, and he took an active and prominent part in the campaign that followed, resulting in the election of Wise and in the defeat of the opposing Know-Nothing party, so signal that it never recovered. One of the first acts of Governor Wise was to appoint McLaughlin a member of the Board of Visitors of the Virginia Military Institute, and his services in that office were efficient and much appreciated by the commandant, General Smith, who pronounced McLaughlin one of the most valuable members of the Board, a man of affairs. At that institution, the West Point of the South, Thomas J. Jackson taught, and he and William McLaughlin became intimate, as intimate as either ever was with any one, and McLaughlin afterwards was the first to recommend Jackson to Governor Letcher for appointment as colonel in the Army of Virginia;—the then commonplace teacher, Jackson, who was unbending, solemn—touched with Puritanism—misunderstood and little appreciated, but living in a sea of thought, and afterwards in the blood and fire of the convulsing nation to be proclaimed one of the great captains of history.

McLaughlin was a State's Rights Democrat, and in 1860, at the great dividing up of the Democratic party, he joined the administration wing of the party and voted for Breckinridge. Though not a slave holder nor a believer in slavery, upon the election of Lincoln, he favored secession, not as an act of revolution or of unlawful change, but as a simple though solemn transaction; and so imbued was he with this doctrine of State's Rights, the doctrine of a hundred years ago, that he with his Southland, in a spirit of equanimity and justice, looked on at the very breaking up of the foundations of the Republic, and saw the multitudes start as if out of nightmare to realize and not to realize, a reign of blood and fire; and he was among the first to respond to the call of his State when the Republic was trembling with the tramp of contending armies.

The trustees of the Washington and Lee University said of him: "At the breaking out of the Civil War, being a Democrat of the States-Rights school, he immediately enlisted in the Rockbridge Artillery. He became its second lieutenant upon leaving his native county for the scene of the conflict. He was in charge of the com-

pany, owing to the absence of his ranking officers, until it reached Harper's Ferry, and reported to Col. T. J. Jackson, then in command of the Confederate troops at that point. He was made captain of the battery after the first battle of Manassas.

"At the reorganization of the Confederate army he was made major of artillery and served under General Echols in West Virginia. He was subsequently commissioned lieutenant-colonel and placed in command of a battalion."

The battery that he first commanded, that he drilled so well, and that fought in so many battles, became identified with his name, and will ever be known as McLaughlin's battery in history and in the memory of his countrymen. He was everywhere in the hottest and the thickest of the fight, always doing his duty from the first to the last. Whether in the muster field or in the camp, on the march or in the fire of battle, he was always the same splendid and brave man.

He was in the front from the first to "those last days of exhaustion and despair; when there was nothing to eat, nothing to load the guns, men starving in the camps, women and children starving at home," the sick and dying everywhere, and ruin and desolation. Then came the end at Appomattox, and the brave remnant of heroes of the Army of Virginia who had borne the brunt of a hundred fights and whose courage had never failed, rode to their homes thinking and feeling with the poet,

"Scatter the dust on each bowed head,
Happy, thrice happy the honored dead,
Who sleep their last long sleep;
For we who live in the coming years,
Beholding days ghastly with phantom fears—
What can we do but weep?"

And they then thought of their great commander, of Lee with his sad, stern brow,

"But he, with the pain of defeat in his heart,
Will bear in history the nobler part,
And fill the loftier place."

"The South had thrown her life into the scales and had lost;" she had been overwhelmed; and the most terrible war of modern times was over. And at the last firing of the guns came the tragic death of Mr. Lincoln—the head and heart of his party, the war dictator, great and good, to whom the distracted Southland "looked

confidently to see all things restored as of course to their old place and balance when the storm of war had passed;" but the great President gone, the nation was without a head, and things then complex were made more complex, and the "tasks of peace were to be hardly less difficult and perplexing than the tasks of war had been." The whole Southland had been swept by fire and sword and desolated by contending armies. Society was turned upside down, —the bottom rail on top,—leaders and the best people submerged in a mob of ignorance and poverty, a condition encouraged by the malignants of the North.

Col. William McLaughlin was not of the mold; however, to be discouraged or dismayed by this sad condition of affairs, and undaunted he looked to the future. He had offered his life as a sacrifice in many battles for his State and for the principles that he believed, and nothing could drive him from his home, from his beloved Southland; and he quietly returned to the practice of his profession at Lexington, and he gave all his spare time, and much of all of his time to restoring the spirits of his people by precept and example, urging them not to emigrate; to stay at home and develop the natural resources of the South, so great—unsurpassed anywhere,—and "on a new basis" to make the new South as great in industry and commerce as it had been in war.

No such discouragements ever confronted a people, but this did not dishearten him. He told his people to bravely meet their difficulties, to endure all, and to hope and to work, and that a brighter and better day would surely come, as come it did at last; and the encouragement of his great soul to his stricken people cannot be estimated in bringing order out of chaos and confusion. He was as earnest and diligent in his efforts of encouragement and in rallying his countrymen to industrial efforts, and to building up on a new basis, as he had been in the field or in the pursuit of his profession.

He loved with a great love Washington and Lee University, Lexington and Rockbridge county. He thought and spoke of Lexington as the little Athens that had suffered so much and had worn the crown of thorns of the Confederacy,—sacred to the memory and ashes of the South's two greatest heroes, Lee and Jackson. To raise up into new life his alma mater, Washington College, was the pride of his life, and hardly had he returned from the smoke of battle until he was elected a member of its Board of Trustees and

went at once to work to reorganize that institution. He was the first to suggest the calling of General Lee to the presidency of that college, and was the most active of all in giving it the name of Washington and Lee University when its great president had wrapped the drapery of his couch around him and had lain down to pleasant dreams,—and the cypress leaves twined around that institution by its great president, who had suffered so much, makes it lovely indeed, and wins for it the hearts and sympathies that call the flower of Southern youth to come there and learn knowledge and wisdom. He was the master spirit in the management of the affairs of that institution from the time he was first elected trustee until his death, and the last ten years he was rector; and his untiring work for his alma mater and devotion to her interest can never be told. "The University became almost merged with his personality."

No young man ever left that place of learning without carrying away with him a deep impression of the character of the great old judge, and no institution of learning in the country has turned out as large percentage of useful and distinguished men; and this splendid institution of learning owes much of its success to William McLaughlin.

He was elected as a conservative delegate to the Reconstruction Constitutional Convention of 1869, from the counties of Rockbridge, Bath and Highland. The majority of the white people of the State did not participate in the election, and only thirty-four white conservatives were elected delegates to that convention. That convention was made up of 104 representatives—25 negroes, 45 white radicals, and 34 white conservatives, and the majority of the conservatives were men of little experience in public affairs, not organizers,—hot-headed and reckless and too full of talk,—weak men in a parliamentary assembly.

Seventy were of the black and tan—seventy of the motley—twenty-five negroes, and forty-five white radicals—twenty-five black men fresh from slavery, tamed from savagery in slavery, and little more than tamed,—without experience except in bondage, shockingly ignorant; and a motley crew were the forty-five white radicals, wrung from the lower class,—ignorant almost as the negroes, and without the late slaves' manners and civility, with a few exceptions. Constitution makers with a vengeance,—bottom-rail-on-top states-

men,—a strange contrast with the constitution makers of other days.

For a self-respecting Virginian to do good work in this convention was almost a hopeless task. It required a clear head and sound judgment and masterful control, but McLaughlin was such a man. He did little talking but much work, and his great presence and diligence did more in that convention in molding it from chaos to order than anything else; and astonishing what a constitution was made—a constitution that Virginia lived and flourished under for many years; and the patient work that he did in that strange convention for Virginia was sufficient to make his name live.

When the constitution had been adopted, he was nominated and elected a member of the House of Delegates from Rockbridge county. In that assembly he was one of the master minds. There he worked laboriously for his State until he was chosen judge of his district, composed of the counties of Augusta and Rockbridge, Alleghany, Bath and Highland, and then he began his career as circuit court judge, a career so notable—a career that made him by common consent the first and foremost circuit judge in the State; and that office he held until the time of his death, a period of over twenty-eight years.

He was elected judge of the Thirteenth Judicial Circuit of Virginia in March, 1870, and qualified before William T. Joynes, judge of the Supreme Court of Appeals of Virginia, on the 27th day of April, 1870; and the first term of court that he held was in Alleghany county, and a certificate of his qualification was spread on the record upon the opening of the court on the morning of May 3, 1870.

He rode on horseback from his home in Lexington to hold his first court, and for many years he made the round of his circuit in that manner. He was a skilled horseman and a majestic rider. At that time he was forty-two years old, and was an ideal judge, according to Plato, who said, "The judge should be advanced in years, his youth should have been innocent, and he should have acquired experience of evil late in life by external observation. This is the ideal of a judge."

Years afterwards he said that he felt some embarrassment in beginning his official career as judge in a circuit where the members of the bar were so learned and able. Among the notables of the bar that he specially mentioned were John Letcher, Edmund Pend-

leton and William Anderson of Rockbridge County; R. L. Parrish, and Gen. Skeene of Alleghany County; William Terrell and William McAllister of Bath County; L. H. Stephenson and C. P. Jones of Highland County; Alexander H. H. Stuart, John B. Baldwin, David Fultz, Hugh W. Sheffey, Henderson M. Bell, General John Echols, Geo. M. Cochran, James Bumgardner, Thomas D. Ranson and Marshall Hanger of Augusta County; men of rare ability, and some of them of national reputation.

He was splendidly fitted and qualified for a judge. He was learned in the law and knew well men and things, was master of his own feelings, possessed a good memory and quick perception, and his mind was free from fogs and biases. He had a clear mental vision and a discriminating mind, a high development of the deliberative faculties, and was painstaking and untiring in his work. He had a strong personality and a decision that cut as clear as a knife; he had remarkable executive talents, and a marked ability to dispatch business, and yet possessed great patience.

When he came to the bench there was a great accumulation of business in the courts, and the docket in every County was crowded. There had been a suspension of business for nearly ten years, and very many new suits were being brought. Never before nor since had anything like it been witnessed, and many of the causes and cases were of great importance, involving new and novel questions. But in a short time he was enabled by his wonderful industry and quick intellect and marvelous memory to become master of the business of his courts. It was an astonishment to those who witnessed his achievements how soon he became familiar with the dockets and with causes and parties in the great number of suits crowding the dockets of the courts; and it was soon apparent that he was more familiar with the causes and parties and matters of controversy in the various counties of his circuit than the resident counsel and clerks of the respective courts. His decisions were models of clearness and brevity even in the most complicated litigated cases, and with all this work on him in his own circuit, he served for a short while as one of the judges of the special Court of Appeals that was organized in the early seventies to assist in disposing of the great accumulation of business in the Supreme Court of Appeals, and much did this service add to his reputation, but his chief reputation was made as a circuit court judge, and as such he never had a superior.

In 1884, after the great rush of the accumulated business of the war had been well disposed of in his circuit, his district was enlarged by the addition of the large and wealthy county of Rockingham. There the accumulated business had not been disposed of, and a great volume of cases was on the docket; many of them had been there for many years, and litigants and lawyers were discouraged. Shortly before the enlargement of the circuit, he had been appointed to hold a special term there, and his marvelous work in mastering and disposing of cases astonished that bar, and the bar of Rockingham unanimously petitioned that that county be included within McLaughlin's circuit, and the addition of that great county made his duties very onerous. The much accumulated business of Rockingham county, in its entangled condition, was a great strain and task on him, but he waded through the docket with Herculean efforts, mastering litigated cases in every detail, and astonished all who saw and knew the work that he did; and he always felt and spoke of the work that he did there as among the most important work of his life. He had a high appreciation of the kindness that he received from the lawyers at the Rockingham bar, and spoke of their ability with marked praise, and among those whom he specially mentioned as of the rarest ability and as leaders at the bar were William B. Compton, John T. Harris, Gen. John E. Roller and Winfield Liggett. His circuit, when enlarged by the addition of Rockingham, had far more business in it than any other circuit of the State,—equal to almost the business of any two circuits; and yet he did all the work with apparent ease, giving the highest and best satisfaction until the last.

There was never any dallying in his court. He was business to the core. If a case was not ready, or if counsel were not present when a case was called, there was no waiting, but the docket was called until some one was ready to try. This system made lawyers prompt in having their cases ready. He was industry and promptness itself, and expected the same from the bar, and he enforced this, so far as his energy and strong nature could do it. He was a rare adept in *nisi prius* work. He gave careful and diligent attention and painstaking thoroughness to every move in a trial from the beginning to the close, and he required the trial to be conducted upon well established principles and without any delay or halting.

He was a thorough master of evidence, and would decide every

question of evidence promptly, and when counsel would address him on a question of evidence he would ask them to simply state their position and he would then pass on it. I have often seen long-winded attorneys, who would speak indefinitely on every question that they had an opportunity to talk on, put out by this practice; but the leading members of the bar always sustained him. In jury practice where lawyers are permitted to argue every question of evidence and often allowed to address the jury more than the court, the cases are protracted almost indefinitely; but, as said by a distinguished lawyer who practiced before him for many years, "In a case involving questions of difficulty and importance, there never was a more attentive listener, or one more anxious to hear all that a lawyer had to say, and none who assumed less to know the case to be presented before hearing arguments or authorities."

In our circuit court system the *nisi prius* judge is also chancellor, and unless the jury cases are tried upon business principles and restricted to legitimate limits, the judge has little time to act as chancellor, as the whole time during terms of court is occupied often with the argument of petty cases at law. Judge McLaughlin could try more jury cases during a limited period than any judge I have ever known, but yet I never heard a complaint that counsel had been unjustly restricted, and he was such a complete master of evidence that he rarely ever decided a point of evidence in a trial that it was not apparent that he had decided right. While he was a firm, stern judge and his manner was brusque and he was plain spoken, yet he was always respectful and considerate to counsel who deserved it, but to "smart Aleck" or to the "big headed" he was withering.

He could see through and detect falsehood, and penetrate fabrications quicker than any one I ever knew. His knowledge of human nature was profound. He knew men and things almost as well as he knew books, although he had been all his life a diligent reader and deep thinker. He was a great observer of faces, and names he never forgot. He knew the name and face of nearly every man in his circuit, and this gave him a great advantage as a judge.

He was never known to show ill-temper, and never indicated any personal feeling on the bench. He conducted his court with such dignity that every one in court was impressed by his presence, and inspired to follow his example. None of that littleness ever ap-

peared about him on the bench that characterizes some judges, and he never seemed to think the bar was infringing on his rights. He never did anything for sensation or for a mere desire to show the power of the court. He never pandered to public sentiment, nor sought after publicity and popularity, nor was he ever influenced by fear or favor, meting out justice alike to all.

When a jury case had been completed, he was master of every detail of it, and if a verdict was plainly wrong, in his judgment he never hesitated to set it aside, no odds whom it affected. He never permitted a jury trial to be interfered with by any other business. He always had an eye to the public interest and to the jurors and witnesses.

When jury trials were over, he went right through the chancery docket. As a chancellor he was laborious and diligent, patient and painstaking. However voluminous the record, he examined and considered every word of the evidence to the minutest detail. He read and reread, sifted and winnowed and considered every word of the evidence in order to arrive at the truth, and in such cases it was rare that he reached a wrong conclusion, and he never allowed himself to be allured from his duty by any influence. He was a thorough master of the underlying principles of the law, which he recognized as the condensed reason and good sense of the ages, and he had no regard for precedents that were not founded upon principle. He had a marvelous memory for cases and decisions, and the style of a case never escaped his memory, and he was always abreast of the times in his profession; but with his great knowledge of case law, he never became a case judge, and had a small estimation of the mere case lawyer.

In a tribute to his memory, Mr. A. C. Gordon said, "Of imposing personality and dignified bearing, he was a typical Virginia judge. He was able, resourceful, learned. He kept track with the multitude of cases in his courts with an accuracy of knowledge that is almost surprising, and in vigorous and energetic prosecution of his business he had no superior."

Col. William Anderson, in a memorial to him, read before the Virginia State Bar Association in 1899, said of him, "As a judge he was one of the most capable who ever administered justice in Virginia. He was not only thoroughly versed in the provisions of the statute and common law, and wonderfully familiar with the de-

cisions of the State and Federal courts of last resort, but he was ready and apt in applying this vast fund of knowledge to the complex facts of the cases which he tried."

Gen. John E. Roller in an address presenting to the Virginia Supreme Court a memorial paper of the Rockingham Bar, said of him, "His knowledge of the law was most profound, and his acquaintance with the rules of practice and of pleading almost perfect, and as with this was united a most unerring understanding, he was enabled to do the work which few men would undertake. . . . The facility with which he could dispose of causes on trial before him was simply wonderful. His dispatch of business was unrivaled and unique."

He was broad minded and charitable, and had an abiding confidence in the supremacy of good in human nature. He said shortly before his death, "I have been on the bench since 1870, and in all that time I have never had a lawyer of my circuit to attempt to deceive me in the smallest particular."

One of his great desires was to bring about better feeling at the bar. He had a great personality, and it was specially felt in showing disapproval of manifestations of ill feeling in a lawyer practicing before him. He used to say that he had great sympathy for the lawyer, for he knew that he was likely to be imbued with the ill feeling of his client and to give manifestation to it, and he urged lawyers that they should be free from malice, as malice eats up the heart and ruins every good quality, clouds the understanding and tends to destruction; and said that the lawyer ought first to learn to know and control himself and to be calm, for they only who are calm and can control themselves can see with the clear vision, and can rightly serve their clients. This spirit that he so much encouraged is pervading more and more the bar. The bitter feeling that manifested itself in old practitioners is passing away, and in place of it there is good will and fraternal feeling. The best practitioner is free from this feeling of his client, and the contest is stronger and more forceful. He has learned that the victory is not alone to the man who is learned and intellectual, but rather to the man of good understanding who keeps cool and self-possessed under all provocation.

His great dignity and presence made him strikingly impressive. I first saw this great man on the bench the morning of the 10th of

November, 1885, a few months after I came to the bar. I have seen many great men in other states, and judges of the highest courts of the land, but I have never seen any one whose presence so impressed me. Though he had been a leading citizen before '61, and as a distinguished officer had been bathed in the fires of contending armies during the long war between the states, yet time appeared to have dealt tenderly with him. He was erect and of heroic mold. His face was cleanly shaven and ruddy, and his thick hair but little changed. A varied experience and a long judicial career had not worn away the aboriginal Scotch-Irish look and the rugged, robust aspect that he brought with him when he first made his way from his mountain home through the historic Goshen Pass, to begin his career of usefulness at the Athens of Virginia, his beloved adopted home. His countenance was strikingly sincere, frank and truthful. He had the look of one who knows his duty and does it. There was an air of self conscious power about him, but no vanity, and he had a look that gave the lie to all shams and fopperies. He had a great presence, and although plainly dressed, looked grand and stately, and appeared to me, on the bench, so much above the average man that he impressed me like some great dictator.

Judge McLaughlin appeared to live above other men, and had little suavity of manner and was not easy of approach, and was thought by many who did not know him well to be cold and blunt; but this was merely his exterior, for he was full of the milk of human kindness. It is true of him, as said by Mr. Henry R. Polard in referring to another distinguished judge, "He did not live and move and have his being under the guise of a favored ring of Guises, but his faults he wore upon his arms, known and read of all men."

He never became a member, but he was an earnest believer in the Presbyterian Church, beautiful in its simplicity, and for him "it is said that the Confession of Faith and the Shorter catechism contained all that was essential in religious doctrines."

Judge McLaughlin was a splendid type of the Scotch-Irish race, and of this race he admitted no superior. He was a member of the Scotch-Irish Congress of America and was deeply interested in the history of his people, and earnest and diligent in collecting and preserving interesting and important incidents,—“scraps” of

Scotch-Irish history in America, and in his day knew better and more about the Scotch-Irish and their characteristics, I believe, than any other man.

He used to illustrate the difference in the manners of the Scotch-Irish Presbyterians and the Eastern Virginia cavalier stock, by telling of an elder of New Providence church in Augusta county, near the line of Rockbridge county, who went to Raphine, a station on the Baltimore & Ohio railroad, a distance of about six miles, to meet a minister who was going to New Providence to visit some of the congregation. The minister, at the station, said to the elder, "I am sorry to have put you to all this trouble to come so far for me." The elder replied, "It is true, it was a good deal of trouble, but I do not mind that." Judge McLaughlin said that if the elder had been an Eastern Virginian of the cavalier stock, he would have said in the most courtly manner, "My dear sir, it was no trouble at all; it was a great pleasure indeed for me to come to meet you."

He was full of hope for the future. He believed in the great destiny of his country, and was most earnest in his efforts to restore good feeling between the North and the South, and rejoiced at the effect of the Spanish War in bringing about better feeling between the sections. He lamented the exodus of the young and brainy men from Virginia, and spoke with much enthusiasm and interest of the great resources of his State and of the South, and of the importance of organized efforts for industrial development. He loved the memories of Virginia, but was only concerned for her present and future, for, as he said, Virginia's past is forever secure in her great names, her successes, her sufferings and battlefields, her Yorktown and Jamestown, Monticello, and Mt. Vernon, Bull Run and Appomattox, Richmond and Lexington.

"His interest in life was very great, and many things which to others seemed trivial, concerned him. He was a great newspaper reader, and his knowledge of cotemporary men and events was unusual." Although he did not mingle much with men, he had a marvelous capacity of acquainting himself with all information that concerned the people he was interested in, and it was astonishing how well he knew the lives of the people with whom he came in contact.

Judge McLaughlin was married to Miss Sallie Mayse, of North Carolina, on November 30, 1875, who died December 29, 1882. He

afterwards married Mrs. Fannie M. Coffman, widow of Dr. Samuel A. Coffman, of Rockingham county, and she still survives. We will not intrude into the sacred precincts of his domestic life, but we know that life there was beautiful and made home sweet indeed.

On Thursday, August 18, 1898, at his home in Lexington, Virginia, Judge McLaughlin died in the 71st year of his age, from the effects of a carbuncle, as his father had died. "With years and honors thick upon him he died as he wished, in harness." He had presided at a meeting of the executive committee of the Washington and Lee University held at his home on Saturday preceding his death, and those present said that he never appeared more vigorous or more active in his mental grasp on important questions then under consideration. "Though suffering from a carbuncle on his cheek, and apparently in pain, no one thought that the strong, manly form was so soon to lie low in death. No special alarm was felt about his condition until Wednesday afternoon, the 17th, when he became violently ill and septic poison speedily did its fatal work, his death resulting at seven o'clock the evening of the 18th."

Judge McLaughlin lived an unselfish life, and died poor. He lived for others and for his State and country, and as said of him by Mr. A. C. Gordon, "His life partook in nothing of the sordid materialism of an age which advances as its chief accomplishment the capacity of money making. The records of the earlier post-bellum General Assemblies of Virginia are full of the names of incorporators of railroad companies and banks and other would-be money-making enterprises. In these acts and charters, his name occurs only once, and then with those of John B. Baldwin and William Green and Andrew Hunter and William W. Gordon and Robert Ould and Muscoe Garnett, and others, in the charter of "The Virginia Law Society,"—"an association for the advancement of legal science, the promotion of law reform, and the cultivation of kindly professional and personal intercourse among the lawyers of Virginia,—a predecessor of our present State Bar Association."

Judge McLaughlin lived through an eventful period full of rich experiences, and did well and ably his part, and lived a life honorable, useful and distinguished.

We can always look with hope to the future when we have an example to follow like this great character, as son and student,

chain bearer and surveyor, lawyer and soldier, citizen and scholar, statesman and judge. He was always the same splendid man whether at the bar or in the council chamber, whether in the smoke and fire of battle, or wearing the spotless ermine. No blot was on his escutcheon, but light, pure, beautiful and strong in all his life,—and let it shine on forever to lead the way up higher.